

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TZUMI INNOVATIONS, LLC,

Plaintiff,

-against-

ANDREW R. WHEELER, et al.,

Defendants.

21 Civ. 122 (LGS)

ORDER

LORNA G. SCHOFIELD, United States District Judge:

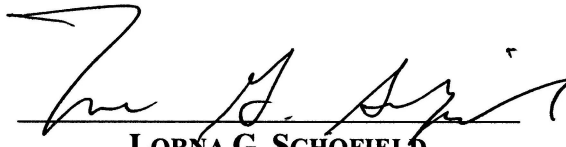
WHEREAS, a telephonic conference was held today to discuss Plaintiff's emergency application for a temporary restraining order (Dkt. No. 6). For the reasons stated at the conference, it is hereby

**ORDERED** that Plaintiff's emergency application is DENIED. By **10:30 a.m., January 15, 2021**, the parties shall file a jointly proposed order setting the agreed-upon terms pending resolution of Plaintiff's motion for preliminary injunction and Defendants' motion to dismiss. For any language that cannot be agreed upon, the parties shall each provide their preferred language in brackets. It is further

**ORDERED** that by **January 15, 2021**, Plaintiff shall file a formal motion for preliminary injunction ("PI"). Plaintiff may either (i) rely on its previous submissions by referencing in its motion Dkt. Nos. 7 and 8 as its supporting memorandum of law and declaration, respectively, or (ii) file updated submissions on **January 15, 2021** (suggested length for the memorandum of law, twenty (20) pages). By **January 22, 2021**, Defendants shall file their motion to dismiss and memorandum of law in support of their motion to dismiss and in opposition to Plaintiff's PI motion (suggested length thirty (30) pages). The requirement to file a pre-motion letter per Individual Rule III.C.2. is waived. By **February 1, 2021**, Plaintiff shall file its memorandum of law in opposition to Defendants' motion to dismiss and reply in support of

its PI motion (suggested length twenty (20) pages). By **February 8, 2021**, Defendants shall file their reply in support of their motion to dismiss (suggested length ten (10) pages). Each party shall file two memoranda of law in total, which together shall not exceed forty (40) pages. The parties may allocate the number of pages between the two memoranda as they see fit, notwithstanding the above suggestions. The parties shall otherwise comply with the Court's Individual Rules and Emergency Individual Rules in filing their motions and supporting papers.

Dated: January 14, 2021  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**